

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14373, of the General Conference of the Seventh Day Adventist Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48 to continue to operate a parking lot in an R-5-A District at premises 6935 Maple Street, N.W., (Square 3357, Lots 815, 820 and part of Lots 59 and 839).

HEARING DATE: February 19, 1986

DECISION DATE: February 19, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The subject property, known as premises 6935 Maple Street, N.W., is located on the south side of Carroll Street, between Maple and Willow Streets, N.W.

2. The subject parking lot encompasses all of Lots 58, 59, 815, 820 and 839. All of Lot 58 is located in the C-2-A District. Most of Lots 59 and 839 are located in the C-2-A District. All of Lots 815 and 820 and the remaining small portions of lots 59 and 839 are in the R-5-A District.

3. Pursuant to Sub-section 8207.2 of the Zoning Regulations, the applicant is seeking a special exception under Paragraph 3101.48 to continue to operate a parking lot in an R-5-A District.

4. The only portion of the parking lot which technically requires approval from the Board of Zoning Adjustment is the portion in the R-5-A District. However, the lot is operated as a single lot, without regard to the zone boundary line, and the Board has considered the lot as a whole in granting previous special exception approvals.

5. The parking lot has been operated since 1958, through a series of special exception approvals by the Board. The most recent approval was granted in BZA Order No. 13000 for a period of five years, from August 8, 1979 to August 8, 1984.

6. Previous applications on the subject property have been made in the name of the Review and Herald Publishing Company ("R&H") which is owned and operated by the SDA. The R&H has recently relocated to Hagerstown, Maryland, and hence the current application is in the name of the SDA.

7. The applicant requests approval to continue to use the property as a parking lot for employees and guests to the offices of SDA which are east of the subject property for a five-year period. The lot will not be operated for commercial purposes.

8. The parking lot is 1.5 acres in size and has a capacity for 198 cars and 10 motorcycles. The parking lot is accessible from two locations on Willow Street and is surrounding by a six foot high chain linked fence. It is paved with an all-weather impervious surface.

9. The property is approximately two blocks to the northwest of the Takoma Park Metro Station. Surrounding the lot is the former R&H Building, which is located to the east on Willow Street. To the north on Carroll Street are commercial uses and to the east is a warehouse and 2 office buildings which are owned by the SDA. The area to the southwest of the site is a residential area which consists predominantly of single family detached houses. The three houses which immediately adjoin the lot are owned by the applicant and are currently being used for storage purposes.

10. The SDA has outgrown the facilities it currently occupies in Takoma Park and hence has acquired an undeveloped site in Montgomery County, Maryland for the relocation of its headquarters. The SDA will continue to operate out of its Takoma Park Facilities for at least another five years, or until such time as the necessary zoning approvals are contained to develop the Montgomery County site.

11. The SDA, in anticipation of its move to Montgomery County, has contracted to sell its Takoma Park property, with the exception of the church, to a local developer. The R&H Building has already been transferred to the developer and the remaining properties will be transferred over the next 2 years. The SDA has retained a leasehold interest in the property for five years, beginning November 1, 1984.

12. The subject parking lot is still needed to accommodate employees and visitors of the SDA for the next five years, notwithstanding the pending sale of the property. The continued use of the parking lot by the SDA will minimize spill-over parking onto the surrounding streets and enable the existing supply of on-street parking spaces to be utilized by residents of the community and patrons of the surrounding retail facilities.

13. The SDA does not propose any major modifications to the parking lot. The SDA would landscape the triangular portion of the lot located at the intersection of Carroll and Willow Streets, in response to suggestions from the Plan Takoma Citizens' Association and Advisory Neighborhood Commission (ANC) 4B. The landscaping will be done in

compliance with the Streetscape Standards of the District of Columbia Department of Public Works. The only other modification proposed by the SDA is to correct the drainage problem associated with the parking lot due to excessive rain.

14. The SDA does not intend to provide a landscape buffer between the lot and the abutting houses as suggested by the Plan Takoma Citizens' Association and ANC 4B. It is not practical to do so since the houses are owned by the SDA and are used for storage purposes. There is no need for the SDA to incur this additional expense in light of the upcoming sale of the property.

15. The applicant's traffic expert, through written report and testimony at the public hearing, testified that the continued use of the site as a parking lot would be beneficial to both the applicant and the surrounding neighborhood. He indicated that the parking lot is essential to accommodate employees and guests who cannot readily use public transportation and that the parking lot will not cause any adverse impact on the adjacent streets or the surrounding neighborhood. He further testified that the parking lot meets the requirements of the Zoning Regulations and is consistent with the Transportation Element of the Comprehensive Plan. The Board concurs with the general reasoning of the traffic expert but finds that the Comprehensive Plan issue is not relevant to applications before the Board.

16. The Department of Public Works (DPW), by memorandum dated December 5, 1985, reported that it had no objections to the continued use of the parking lot. It further indicated that the subject lot is in excellent condition and is very well maintained. DPW further indicated that the lot serves the needs of the employees and visitors of the SDA. It noted that if the parking lot is discontinued, spill-over parking may adversely affect the surrounding residential neighborhood, due to the lack of commercial parking lots in the area. The Board concurs.

17. Advisory Neighborhood Commission (ANC) 4B by letter dated December 9, 1985, reported that at a public meeting on November 21, 1985, it voted unanimously to support the subject application. ANC 4B noted that its approval was subject to the following conditions:

- a. The special exception be granted to the SDA and not be transferable to the present or perspective owners of the subject property.
- b. The special exception be limited to no more than 3 years in light of the pending sale of the property.

- c. The drainage problem attributed to the parking lot be corrected.

18. The Plan Takoma Citizen's Association, by letter dated December 2, 1985, indicated that it did not object to the granting of the special exception, but recommends that the following conditions be imposed on the approval of the application:

- a. The special exception be limited to no more than 3 years.
- b. The drainage problem attributed to the parking lot be corrected; and
- c. The parking lot be appropriately landscaped and buffered from the adjacent residential homes to the north and that the triangular portion of the lot at the intersection of Carroll and Willow Streets be landscaped.

19. The Board concurs with the recommendations of ANC 4B and the Plan Takoma Citizens' Association that the application should be approved. It also concurs that the parking lot should be landscaped at the intersection of Carroll and Willow Streets and that the existing drainage problem should be corrected. The Board does not, however, concur with the recommendations that the parking lot should be landscaped and buffered from the adjacent residential houses, which are owned by the SDA. The Board finds that this would be an unnecessary expenditure of funds in light of the fact that no one is living in the houses, coupled with the upcoming sale of the property. Further, the Board sees no reason why the special exception should be limited to 3 years since the applicant will continue to occupy the property for the next 5 years and hence requires the use of the parking lot.

20. There was one letter in support of the application from a nearby property owner and another letter in support from an individual who did not identify his relationship to the property.

21. There was no opposition to the application, at the public hearing or of record.

#### CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception the granting of which requires that the proposal meet the requirements of Paragraph 3101.48 and that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and the relief will not tend to affect adversely the use of neighboring property.

The parking lot will cause no dangerous or objectionable traffic conditions and is within 200 feet of a commercial district. The lot complies with all the applicable requirements of Article 74. The parking lot is both necessary and convenient to the operation of the office use across the street. The lot has had no apparent adverse effect on the surrounding community, and in fact benefits the area by allowing cars to be parked off the street. The Board therefore concludes that the application is in harmony with the intent and purpose of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

The Board has accorded to the report of ANC 4B the "great weight" to which it is entitled. It is therefore ORDERED that the application is GRANTED subject to the following CONDITIONS:

1. Approval shall be for a period of FIVE YEARS.
2. Operation of the facility shall be limited to the General Conference of the Seventh Day Adventist Church,  
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3. Landscaping shall be provided along the Carroll Street property to screen the parking lot from nearby residents.
4. The applicant shall install and maintain a drainage system on the subject site to prevent water run-off on adjacent properties.
5. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
6. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
7. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
8. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
9. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used

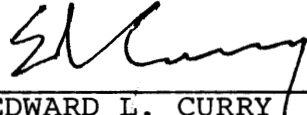
upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

10. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (Charles R. Norris, Paula L. Jewell, Patricia N. Mathews and Carrie L. Thornhill to grant; William F. McIntosh not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

JUN 17 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

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